

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
MDL DOCKET NO. 5:20-MD-2947-KDB-DSC**

<b>IN RE: LOWE’S COMPANIES, INC.</b>	)	
<b>FAIR LABOR STANDARDS ACT</b>	)	
<b>(FLSA) AND WAGE AND HOUR</b>	)	<b>PLAINTIFFS’ UNOPPOSED MOTION FOR</b>
<b>LITIGATION</b>	)	<b>APPROVAL OF COLLECTIVE ACTION</b>
	)	<b>SETTLEMENT</b>
	)	
<b>THIS DOCUMENT APPLIES TO:</b>	)	
<i>All Cases</i>	)	
<hr/>	)	

Rule 23 Named Plaintiffs Ronald Anderson, Erin Barrera, Kerry Cleavenger, Daniel Danford, Nabel Ekhrewish, Nicholle Frank, Thomas Fyfe, Dalton Hildreth, Antoine Hursey, Jeffrey Lavelle, Jason Martin, Jean Lou Morta, Robert Neal, Georgina Ortiz, Kenneth Payne, Stephanie Pennington, John Rafteseth, Brian Rookey, Brian Rumpke, June Shankweiler, Crystal Stratton, Iris Tirado, and Nicole Weekley, on behalf of themselves and the other 2,367 opt-in Plaintiffs covered by this Fair Labor Standards Act (“FLSA”) collective lawsuit (hereinafter “Plaintiffs”) and Defendants, Lowe’s Companies, Inc., and Lowe’s Home Centers, LLC (hereinafter “Lowe’s), have reached a settlement as set forth in the Settlement Agreement (hereinafter the “Agreement”) for the total amount of \$7,452,008.18.

Because FLSA settlements must be judicially approved for fairness, *see, e.g., Kirkpatrick v. Cardinal Innovations Healthcare Solutions*, 352 F. Supp. 3d 499 (M.D.N.C. 2018), Plaintiffs file this motion to respectfully ask the Court to approve the settlement. As explained in the accompanying memorandum of law, judicial approval is warranted because “(1) FLSA issues are actually in dispute; (2) the proposed settlement to those issues is fair and reasonable in light of relevant factors from Rule 23; and (3) the proposed attorneys’ fees are reasonable.” *Thaxton v. Bojangles’ Restaurants, Inc.*, 2020 U.S. Dist. LEXIS 225834, \*5 (W.D.N.C. Mar. 4, 2020). Moreover, the requested service awards,

settlement administration costs, and litigation expenses, are all reasonable and should be approved as sought.

This settlement will fully resolve the MDL, including the putative Rule 23 class claims, which the Named Plaintiffs will be dismissing without prejudice. However, because no class has been certified, and no settlement class is requested under Rule 23(e), the separate settlement-approval requirements of Federal Rule of Civil Procedure 23 do not apply.

**WHEREFORE**, Plaintiffs respectfully ask the Court to grant this motion and sign and enter the accompanying proposed order approving the settlement (attached to the accompanying brief as Exhibit G).

Dated: May 20, 2022

Respectfully submitted

/s/ Kevin J. Stoops

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